

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

6-25

UNITED STATES OF AMERICA,

Plaintiff,

v.

Kenneth Michael FAH,

Defendant.

'08 MJ 1949

Magistrate Case No. \_\_\_\_\_

COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section 1324(a)(2)(B)(iii)  
Bringing in Illegal Alien(s)  
Without PresentationTitle 18, U.S.C., Section 1544  
Misuse of Passport

The undersigned complainant being duly sworn states:

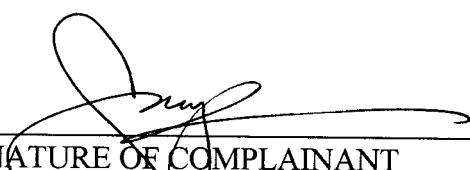
Count I

On or about **June 24, 2008**, within the Southern District of California, defendant **Kenneth Michael FAH**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Moises RODRIGUEZ, Dolores Asuncion GARCIA-Lucas, Gabriela RODRIGUEZ-Mena**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **June 24, 2008**, within the Southern District of California, defendant **Kenneth Michael FAH**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number 420283735, issued to David Harmon Tickett, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not David Harmon Tickett, that the passport was not issued or designed for his use. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 Sara Esparagoza, United States Customs  
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25<sup>th</sup> DAY OF JUNE, 2008.

  
 UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complainant states that **Moises RODRIGUEZ, Dolores Asuncion GARCIA-Lucas, Gabriela RODRIGUEZ-Mena** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 24, 2008 at approximately 5:55 PM, **Kenneth Michael FAH (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry as the driver a gray 2005 GMC Envoy. Defendant stated to a Customs and Border Protection (CBP) Officer that he was going to Chula Vista and stated that he had nothing to declare from Mexico. Defendant also claimed ownership of the vehicle and presented a U.S. passport and California driver license both bearing his photo with the name David Harmon Trickett. The CBP Officer noticed Defendant had presented an altered U.S. passport and counterfeit California driver license. The CBP Officer also noticed Defendant's hands were shaking, his voice was trembling, and that he was making little eye contact. The CBP Officer conducted an inspection of the vehicle and discovered an unknown number of people concealed underneath a black cloth in the rear area of the vehicle. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP Officers removed six individuals from the cargo area of the vehicle. Further investigation revealed the six individuals to be citizens of Mexico without entitlements to enter, pass through, or remain in the United States. Three individuals were retained as Material Witnesses and are now identified as: **Moises RODRIGUEZ (MW1), Dolores Asuncion GARCIA-Lucas (MW2), Gabriela RODRIGUEZ-Mena (MW3).**

Separate videotaped interviews were conducted with Material Witnesses. Material Witnesses stated they are citizens of Mexico without documents to lawfully enter or reside in the United States. Material Witnesses stated they made the arrangements with unknown people in Tijuana, Mexico and were to pay between \$2000.00 (USD) and \$3,600.00 (USD) to be smuggling into the United States. Material Witnesses stated they were going to California and Florida to seek employment.